IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.161 OF 2006

Shantilal Jethabhai R. Patel ...Petitioner

V/s.

Suniti Plastic Moulders & Ors. ..Respondents.

Shri.S.S. Kametkar i/b G.S. Godbole for the petitioner.
Shri.I.S. Yadav for respondent No.1 to 3.

CORAM : D.G.KARNIK, J.
DATED : 22/08/2006

P.C.:-

1. Heard learned counsel for the parties.

2. This contempt petition is filed, alleging that the respondents have committed breach of order of the court dated 28th September, 2005 by not filing an undertaking within two weeks as directed by the Court. Relevant paragraph of the order of this court dated 28th September, 2005 reads as under:-

> "9. At the request of the Learned Counsel for the Petitioners, time to

vacate the suit premises is granted for a a period of eight weeks from today on condition that the Petitioners furnish an undertaking in the usual terms within two weeks from today.”

3. It appears that the respondents sought time for handing over possession. This Court granted time of eight weeks to vacate premises subject to the condition that the respondents shall file an undertaking in usual terms. Respondents had an option to accept the conditional time granted to them or permit the petitioner to execute the decree. Respondents have not filed an affidavit and therefore, the petitioner is entitled to execute the decree forthwith. In my view, the respondents have not committed any breach of the order by not filling the affidavit. There is no merit in the petition. Petition is dismissed.

D.G.KARNIK, J.